

EXHIBIT B



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

August 28, 2020

Brian E. Klein, Keri Curtis Axel, Sam S. Meehan
Baker Marquart LLP
777 S. Figueroa Street, Suite 2850
Los Angeles, California 90017

Sean S. Buckley
Kobre & Kim LLP
800 Third Avenue
New York, New York 10022

Re: *United States v. Virgil Griffith*, 20 Cr. 15 (PKC)

Dear Counsel:

We write in response to your discovery letter dated August 6, 2020.

Audio Recordings

Pursuant to the draft transcript stipulation entered by the parties, the Government produced draft transcripts of the audio recordings (USAO_002596-002675). The recordings were made by the individual referred to in the Government's discovery materials as "Witness-2," who, as previously disclosed, is represented by Arthur D. Middlemiss, Esq., of Lewis Baach Kaufmann Middlemiss PLLC. As discussed in the Government's July 22, 2020 discovery letter, Mr. Middlemiss has requested that he receive any communications intended for his client. The Government will disclose the identity of Witness-2 no later than thirty days prior to trial.

U.S. Department of State and Department of Treasury

The Government has produced materials in its possession from the U.S. State Department and U.S. Department of the Treasury. In particular, the Government requested and produced materials from the State Department's divisions of Consular Affairs and Diplomatic Security Service related to communications with the defendant (USAO_001561-001625; USAO_001760-001764), as well as communications by Diplomatic Security Service Special Agent William Hutton regarding this case (3504-001 to -264). In addition, we have produced communications between FBI and the U.S. State Department (3507-054 to 3507-123).

The Government has produced official FBI correspondence with the Treasury Department (USAO_002980-003008) as well as communications between FBI and the Treasury Department (3507-028 to 3507-053). The Government has further produced communications between the Department of Justice and Treasury Department's Office of Foreign Asset Control ("OFAC") regarding OFAC's determination that Griffith violated the North Korea Sanctions Regulations, 31 CFR Part 510 (USAO_001736-001759).

Although our position is that the State Department and the Treasury Department are not part of the prosecution team in this case, we have requested that they provide any internal communications regarding this matter so that we can evaluate them for purposes of discovery. They have not yet responded to the requests.

North Korea and Cryptocurrency

Regarding your request for materials related to North Korea's knowledge of cryptocurrency, the Government is working to declassify certain FBI reports related to your inquiry from the FBI's case file related to this prosecution. We do not plan, however, to search FBI records beyond the scope of the case file or records from other agencies in response to this request.

Singapore

In response to this request, we have provided, among other things, draft and final diplomatic correspondence with Singaporean authorities related to this case (USAO_003009-003244), as well as internal FBI emails discussing communications between U.S. officials and Singaporean authorities related to this case (3507-001 to 3507-027), and communications of FBI Special Agent Andrew Cordiner with Singaporean authorities about this case (3506-001 to 295). Pursuant to the modified protective order sought on August 25, 2020, we will produce to you the forensic image of a computer seized from a third-party in Singapore, as discussed.

Search Warrants

We do not believe that drafts of search warrants in this case are discoverable at this time. Such documents may be disclosed pursuant to the Jencks Act for certain witnesses in advance of trial, as applicable. As to the data seized from Internet service providers pursuant to search warrants, as stated previously, these searches are ongoing. The Government intends to produce the data seized pursuant to the applicable warrants at the conclusion of each search. These warrants were previously produced to you. After the responsiveness review is completed, for searches authorized solely by applicable warrants, the Government will not search the data again without further Court authorization. We plan to complete the relevant searches and produce by September 14, 2020 seized records from the following accounts and devices: (i) Facebook account "virgil.gr"; (ii) Twitter account "@virgilgr"; (iii) Griffith's iPad; and (iv) email accounts "i@virgil.gr," "virgil@ethereum.org," "chris.emms@bitcoin.com," and "DPRK.UN@verizon.net." We plan to complete the relevant search and produce by September 25, 2020 seized records from the iCloud account "i@virgil.gr."

The DPRK Email Account

To the extent any materials are deemed responsive to the warrant on this account, we intend to produce those materials as set forth above. Regarding your inquiry for any information to explain why no records dated prior to September 2019 were produced by Oath in response to the search warrant, based upon Oath's response to the warrant, the Government understands that Oath produced all records responsive to the warrant in their possession at the time the warrant was received.

Bill of Particulars

We also write in response to your demand for particulars, dated August 4, 2020. We do not believe further disclosures are required pursuant to Rule 7 because the Complaint, Indictment, discovery, and other disclosures to date have provided you with adequate notice and a sufficient opportunity to prepare a defense.

We look forward to continuing an open dialogue regarding this matter. As the litigation develops and evolves, we will remain mindful of our obligations. Please do not hesitate to contact us if you would like to engage in further discussions.

Very truly yours,

AUDREY STRAUSS
Acting United States Attorney

by: _____/s/_____
Michael Krouse
Kimberly Ravener
Kyle Wirshba
Assistant United States Attorneys
(212) 637-2279 / 2358 / 2493